

**53A-3-101. Selection and election of members to Local Boards of Education.**

Members of local boards of education shall be elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

Repealed and Re-enacted by Chapter 1, 1995 General Session

**53A-3-106. Rules of order and procedure.**

(1) As used in this section, "rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

- (a) parliamentary order and procedure;
- (b) ethical behavior; and
- (c) civil discourse.

(2) Subject to Subsection (3), a local school board shall:

(a) adopt rules of order and procedure to govern a public meeting of the local school board;

(b) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (2)(a); and

(c) make the rules of order and procedure described in Subsection (2)(a) available to the public:

- (i) at each public meeting of the local school board; and
- (ii) on the local school board's public website, if available.

(3) Subsection (2)(a) does not affect a local school board's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

Enacted by Chapter 107, 2011 General Session

**53A-3-201. Election of officers -- Terms -- Time of election -- Removal of officers -- Quorum requirements.**

(1) A local school board shall elect a president and a vice-president whose terms of office are for two years and until their successors are elected.

(2) The elections shall be held during the first board meeting in January following a regular school board election held in the district.

(3) An officer appointed or elected by a local school board may be removed from office for cause by a vote of two-thirds of the board.

(4) When a vacancy occurs in the office of president or vice president of the board for any reason, a replacement shall be elected for the unexpired term.

(5) Attendance of a simple majority of the board members constitutes a quorum for the transaction of official business.

Amended by Chapter 172, 2005 General Session

**53A-3-202. Compensation for services -- Additional per diem -- Approval of expenses.**

(1) Each member of a local school board, except the student member, shall receive compensation for services and for necessary expenses in accordance with

board compensation schedules adopted by the local school board in accordance with the provisions of this section.

(2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its board compensation schedules, the board shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.

(3) Notice of the time, place, and purpose of the meeting shall be provided at least seven days prior to the meeting by:

(a) (i) publication at least once in a newspaper published in the county where the school district is situated and generally circulated within the school district; and

(ii) publication on the Utah Public Notice Website created in Section 63F-1-701; and

(b) posting a notice:

(i) at each school within the school district;

(ii) in at least three other public places within the school district; and

(iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

(4) After the conclusion of the public hearing, the local school board may adopt or amend its board compensation schedules.

(5) Each member shall submit an itemized account of necessary travel expenses for board approval.

(6) A local school board may, without following the procedures described in Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to July 1, 2007 until, at the discretion of the board, the compensation schedule is amended or a new compensation schedule is adopted.

Amended by Chapter 90, 2010 General Session

#### **53A-3-204. Duties of president.**

(1) The president of each local school board shall preside at all meetings of the board, appoint all committees, and sign all warrants ordered by the board to be drawn upon the business administrator for school money.

(2) If the president is absent or acquires a disability, these duties are performed by the vice president.

Amended by Chapter 366, 2011 General Session

#### **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term -- Compensation.**

(1) Subject to Subsection (8), a local school board shall appoint a district superintendent of schools who serves as the local school board's chief executive officer.

(2) A local school board shall appoint the superintendent on the basis of outstanding professional qualifications.

(3) (a) A superintendent's term of office is for two years and until, subject to Subsection (8), a successor is appointed and qualified.

(b) A local school board that appoints a superintendent in accordance with this

section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the superintendent.

(4) Unless a vacancy occurs during an interim vacancy period subject to Subsection (8), if it becomes necessary to appoint an interim superintendent due to a vacancy in the office of superintendent, the local school board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new superintendent.

(5) (a) The superintendent shall hold an administrative/supervisory license issued by the State Board of Education, except as otherwise provided in Subsection (5)(b).

(b) At the request of a local school board, the State Board of Education shall grant a letter of authorization permitting a person with outstanding professional qualifications to serve as superintendent without holding an administrative/supervisory license.

(6) A local school board shall set the superintendent's compensation for services.

(7) A superintendent qualifies for office by taking the constitutional oath of office.

(8) (a) As used in this Subsection (8), "interim vacancy period" means the period of time that:

(i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of a local school board; and

(ii) ends on the day on which the member-elect begins the member's term.

(b) (i) The local school board may not appoint a superintendent during an interim vacancy period.

(ii) Notwithstanding Subsection (8)(b)(i):

(A) the local school board may appoint an interim superintendent during an interim vacancy period; and

(B) the interim superintendent's term shall expire once a new superintendent is appointed by the new local school board after the interim vacancy period has ended.

(c) Subsection (8)(b) does not apply if all the local school board members who held office on the day of the general election whose term of office was vacant for the election are re-elected to the local school board for the following term.

Amended by Chapter 209, 2011 General Session

Amended by Chapter 322, 2011 General Session

### **53A-3-302. Business administrator -- Term -- Oath.**

(1) Subject to Subsection (5), a local school board shall appoint a business administrator.

(2) (a) The business administrator's term of office is for two years and until, subject to Subsection (5), a successor is appointed and qualified.

(b) A local school board that appoints a business administrator in accordance with this section may not, on or after May 8, 2012, enter into an employment contract that contains an automatic renewal provision with the business administrator.

(3) Unless a vacancy occurs during an interim vacancy period subject to Subsection (5), if it becomes necessary to appoint an interim business manager due to

a vacancy in the office of business administrator, then the local school board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new business manager.

(4) The business administrator qualifies for office by taking the constitutional oath of office.

(5) (a) As used in this Subsection (5), "interim vacancy period" means the period of time that:

(i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of a local school board; and

(ii) ends on the day on which the member-elect begins the member's term.

(b) (i) A local school board may not appoint a business administrator during an interim vacancy period.

(ii) Notwithstanding Subsection (5)(b)(i):

(A) the local school board may appoint an interim business administrator during an interim vacancy period; and

(B) the interim business administrator's term shall expire once a new business administrator is appointed by the new local school board after the interim vacancy period has ended.

(c) Subsection (5)(b) does not apply if all the local school board members who held office on the day of the general election whose term of office was vacant for the election are reelected to the local school board for the following term.

Amended by Chapter 46, 2012 General Session

### **53A-3-303. Duties of business administrator.**

Subject to the direction of the district superintendent of schools, the district's business administrator shall:

(1) attend all meetings of the board, keep an accurate record of its proceedings, and have custody of the seal and records;

(2) be custodian of all district funds, be responsible and accountable for all money received and disbursed, and keep accurate records of all revenues received and their sources;

(3) countersign with the president of the board all warrants and claims against the district as well as other legal documents approved by the board;

(4) prepare and submit to the board each month a written report of the district's receipts and expenditures;

(5) use uniform budgeting, accounting, and auditing procedures and forms approved by the State Board of Education, which shall be in accordance with generally accepted accounting principles or auditing standards and Title 63J, Chapter 1, Utah Budgetary Procedures Act;

(6) prepare and submit to the board a detailed annual statement for the period ending June 30, of the revenue and expenditures, including beginning and ending fund balances;

(7) assist the superintendent in the preparation and submission of budget documents and statistical and fiscal reports required by law or the State Board of

Education;

(8) insure that adequate internal controls are in place to safeguard the district's funds; and

(9) perform other duties as the superintendent may require.

Amended by Chapter 382, 2008 General Session

**53A-3-304. Other board officers.**

(1) A board may appoint other necessary officers who serve at the pleasure of the board.

(2) These officers shall qualify by taking the constitutional oath of office before assuming office.

Amended by Chapter 336, 2011 General Session

**53A-3-401. Boards of education are bodies corporate -- Seal -- Authority to sue -- Conveyance of property -- Duty to residents of the local school board member's district.**

(1) As used in this section, "body corporate" means a public corporation and legal subdivision of the state, vested with the powers and duties of a government entity as specified in this chapter.

(2) The board of education of a school district is a body corporate under the name of the "Board of Education of ..... School District" (inserting the proper name), and shall have an official seal conformable to its name.

(3) The seal is used by its business administrator in the authentication of all required matters.

(4) A local school board may sue and be sued, and may take, hold, lease, sell, and convey real and personal property as the interests of the schools may require.

(5) Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board.

Amended by Chapter 336, 2014 General Session

**53A-3-402. Powers and duties generally.**

(1) Each local school board shall:

(a) implement the core curriculum utilizing instructional materials that best correlate to the core curriculum and graduation requirements;

(b) administer tests, required by the State Board of Education, which measure the progress of each student, and coordinate with the state superintendent and State Board of Education to assess results and create plans to improve the student's progress which shall be submitted to the State Office of Education for approval;

(c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of

federal, state, and local resources to implement remediation;

(d) develop early warning systems for students or classes failing to make progress;

(e) work with the State Office of Education to establish a library of documented best practices, consistent with state and federal regulations, for use by the local districts; and

(f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in core academics.

(2) Local school boards shall spend minimum school program funds for programs and activities for which the State Board of Education has established minimum standards or rules under Section 53A-1-402.

(3) (a) A board may purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings.

(b) School sites or buildings may only be conveyed or sold on board resolution affirmed by at least two-thirds of the members.

(4) (a) A board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts either within or outside the state.

(b) Any agreement for the joint operation or construction of a school shall:

(i) be signed by the president of the board of each participating district;

(ii) include a mutually agreed upon pro rata cost; and

(iii) be filed with the State Board of Education.

(5) A board may establish, locate, and maintain elementary, secondary, and applied technology schools.

(6) Except as provided in Section 53A-1-1001, a board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.

(7) A board may establish and support school libraries.

(8) A board may collect damages for the loss, injury, or destruction of school property.

(9) A board may authorize guidance and counseling services for children and their parents or guardians prior to, during, or following enrollment of the children in schools.

(10) (a) A board shall administer and implement federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

(b) Federal funds are not considered funds within the school district budget under Title 53A, Chapter 19, School District Budgets.

(11) (a) A board may organize school safety patrols and adopt rules under which the patrols promote student safety.

(b) A student appointed to a safety patrol shall be at least 10 years old and have written parental consent for the appointment.

(c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.

(d) Liability may not attach to a school district, its employees, officers, or agents

or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.

(12) (a) A board may on its own behalf, or on behalf of an educational institution for which the board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.

(b) These contributions are not subject to appropriation by the Legislature.

(13) (a) A board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2).

(b) A person may not be appointed to serve as a compliance officer without the person's consent.

(c) A teacher or student may not be appointed as a compliance officer.

(14) A board shall adopt bylaws and rules for its own procedures.

(15) (a) A board shall make and enforce rules necessary for the control and management of the district schools.

(b) All board rules and policies shall be in writing, filed, and referenced for public access.

(16) A board may hold school on legal holidays other than Sundays.

(17) (a) Each board shall establish for each school year a school traffic safety committee to implement this Subsection (17).

(b) The committee shall be composed of one representative of:

(i) the schools within the district;

(ii) the Parent Teachers' Association of the schools within the district;

(iii) the municipality or county;

(iv) state or local law enforcement; and

(v) state or local traffic safety engineering.

(c) The committee shall:

(i) receive suggestions from school community councils, parents, teachers, and others and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;

(ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;

(iii) consult the Utah Safety Council and the Division of Family Health Services and provide training to all school children in kindergarten through grade six, within the district, on school crossing safety and use; and

(iv) help ensure the district's compliance with rules made by the Department of Transportation under Section 41-6a-303.

(d) The committee may establish subcommittees as needed to assist in accomplishing its duties under Subsection (17)(c).

(18) (a) Each school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in its public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.

(b) The board shall implement its plan by July 1, 2000.

(c) The plan shall:

- (i) include prevention, intervention, and response components;
  - (ii) be consistent with the student conduct and discipline policies required for school districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
  - (iii) require inservice training for all district and school building staff on what their roles are in the emergency response plan;
  - (iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a); and
  - (v) include procedures to notify a student, to the extent practicable, who is off campus at the time of a school violence emergency because the student is:
    - (A) participating in a school-related activity; or
    - (B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent or guardian.
- (d) The State Board of Education, through the state superintendent of public instruction, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).
- (e) Each local school board shall, by July 1 of each year, certify to the State Board of Education that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.
- (19) (a) Each local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.
- (b) The plan may be implemented by each secondary school in the district that has a sports program for students.
- (c) The plan may:
- (i) include emergency personnel, emergency communication, and emergency equipment components;
  - (ii) require inservice training on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and
  - (iii) provide for coordination with individuals and agency representatives who:
    - (A) are not employees of the school district; and
    - (B) would be involved in providing emergency services to students injured while participating in sports events.
- (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.
- (e) The State Board of Education, through the state superintendent of public instruction, shall provide local school boards with an emergency plan response model that local boards may use to comply with the requirements of this Subsection (19).
- (20) A board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.
- (21) (a) Before closing a school or changing the boundaries of a school, a board shall:
- (i) hold a public hearing, as defined in Section 10-9a-103; and
  - (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).



(b) The notice of a public hearing required under Subsection (21)(a) shall:

- (i) indicate the:
  - (A) school or schools under consideration for closure or boundary change; and
  - (B) date, time, and location of the public hearing; and
- (ii) at least 10 days prior to the public hearing, be:
  - (A) published:
    - (I) in a newspaper of general circulation in the area; and
    - (II) on the Utah Public Notice Website created in Section 63F-1-701; and
  - (B) posted in at least three public locations within the municipality or on the district's official website.

(22) A board may implement a facility energy efficiency program established under Title 11, Chapter 44, Facility Energy Efficiency Act.

Amended by Chapter 202, 2014 General Session

**53A-3-402.1. Access to student records by custodial and noncustodial parents.**

(1) Except as provided in Subsection (2), a public school shall allow a custodial parent and a noncustodial parent of a child the same access to their child's education records.

(2) A school may not allow a noncustodial parent access to the child's education records if:

(a) a court has issued an order that limits the noncustodial parent's access to the child's education records; and

(b) the school has received a copy of the court order or has actual knowledge of the court order.

Enacted by Chapter 268, 1999 General Session

**53A-3-402.5. Voter registration forms for high school students.**

Each public school district and each accredited nonpublic school shall provide voter registration forms to students as required by Section 20A-2-302.

Repealed and Re-enacted by Chapter 1, 1993 General Session

**53A-3-402.7. Kindergartens -- Establishment -- Funding.**

(1) Kindergartens are an integral part of the state's public education system.

(2) By July 1, 1994, each local board of education shall provide kindergarten classes free of charge for kindergarten children residing within the district.

(3) Kindergartens established under Subsection (2) shall receive state money under Title 53A, Chapter 17a, The Minimum School Program Act.

Enacted by Chapter 122, 1993 General Session

**53A-3-402.9. Assessment of emerging and early reading skills -- Resources provided by school districts.**

- (1) The Legislature recognizes that well-developed reading skills help:
  - (a) children to succeed in school, develop self esteem, and build positive relationships with others;
  - (b) young adults to become independent learners; and
  - (c) adults to become and remain productive members of a rapidly changing technology-based society.
- (2) (a) Each potential kindergarten student, the student's parent or guardian, and kindergarten personnel at the student's school may participate in an assessment of the student's reading and numeric skills.
  - (b) The State Office of Education, in cooperation with the state's school districts, may develop the assessment instrument and any additional materials needed to implement and supplement the assessment program.
- (3) The potential kindergarten student's teacher may use the assessment in planning and developing an instructional program to meet the student's identified needs.
- (4) (a) Each school is encouraged to schedule the assessment early enough before the kindergarten starting date so that a potential kindergarten student's parent or guardian has time to develop the child's needed skills as identified by the assessment.
  - (b) Based on the assessment under Subsection (2), the school shall provide the potential student's parent or guardian with appropriate resource materials to assist the parent or guardian at home in the student's literacy development.

Amended by Chapter 171, 2008 General Session

**53A-3-402.10. Reading clinics -- Purpose.**

- (1) The Legislature recognizes the critical importance of identifying, assessing, and assisting students with reading difficulties at an early age in order for them to have successful and productive school and life experiences.
- (2) In order to help accomplish this, there is established a reading clinic, hereafter referred to as the "clinic," based at the University of Utah, College of Education, to assist educators and parents of students statewide in:
  - (a) assessing elementary school students who do not demonstrate satisfactory progress in reading;
  - (b) providing instructional intervention to enable the students to overcome reading difficulties; and
  - (c) becoming better prepared to help all students become successful readers by providing them with professional development programs in reading that are based on best practices and the most current, scientific research available through nationally and internationally recognized reading researchers and instructional specialists.
- (3) (a) The clinic shall focus primarily on students in grades 1 through 3 since research shows the need for students to become successful readers by the end of grade 3.
  - (b) The clinic shall make assessment and instructional intervention services available to public education students of all ages.
- (4) The clinic shall provide these services at a base site in Salt Lake County and through remote access interactive technology to reach educators, parents, and students

throughout the state.

(5) The clinic shall provide:

(a) instruction to teachers in the use of technology and blended learning in providing individualized reading instruction and reading remediation; and

(b) access to students for reading remediation and instruction services through distance learning technology if a student is unable to regularly access a reading clinic location.

(6) The clinic shall integrate both the usage of and instruction on the use of technology-based reading assessment tools as part of the clinic's services.

Amended by Chapter 390, 2014 General Session

**53A-3-402.11. Reading Performance Improvement Scholarship Program.**

(1) There is established a Reading Performance Improvement Scholarship Program to assist selected elementary teachers in obtaining a reading endorsement so that they may help improve the reading performance of students in their classes.

(2) The State Board of Education shall award scholarships of up to \$500 to each recipient under the program.

(3) The board shall give weighted consideration to scholarship applicants who:

(a) teach in grades kindergarten through three;

(b) are designated by their schools as, or are seeking the designation of, reading specialist; and

(c) teach in a rural area of the state.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall provide by rule for:

(a) the application procedure for the scholarship; and

(b) what constitutes a reading specialist at the elementary school level.

Amended by Chapter 382, 2008 General Session

**53A-3-403. School district fiscal year -- Statistical reports.**

(1) A school district's fiscal year begins on July 1 and ends on June 30.

(2) (a) The district shall forward statistical reports for the preceding school year, containing items required by law or by the State Board of Education, to the state superintendent not later than November 1 of each year.

(b) The reports shall include information to enable the state superintendent to complete the statement required under Subsection 53A-1-301(3)(d)(v).

(3) The district shall forward the accounting report required under Section 51-2a-201 to the state superintendent not later than October 15 of each year.

(4) The district shall include the following information in its report:

(a) a summary of the number of students in the district given fee waivers, the number of students who worked in lieu of a waiver, and the total dollar value of student fees waived by the district;

(b) a copy of the district's fee and fee waiver policy;

(c) a copy of the district's fee schedule for students; and

(d) notices of fee waivers provided to a parent or guardian of a student.

Amended by Chapter 206, 2004 General Session

**53A-3-404. Annual financial report -- Audit report.**

(1) The annual financial report of each school district, containing items required by law or by the State Board of Education and attested to by independent auditors, shall be prepared as required by Section 51-2a-201.

(2) If auditors are employed under Section 51-2a-201, the auditors shall complete their field work in sufficient time to allow them to verify necessary audit adjustments included in the annual financial report to the state superintendent.

(3) (a) (i) The district shall forward the annual financial report to the state superintendent not later than October 1.

(ii) The report shall include information to enable the state superintendent to complete the statement required under Subsection 53A-1-301(3)(d)(v).

(b) The State Board of Education shall publish electronically a copy of the report on the Internet not later than December 15.

(4) The completed audit report shall be delivered to the school district board of education and the state superintendent of public instruction not later than November 30 of each year.

Amended by Chapter 206, 2004 General Session

**53A-3-405. Approval of purchases or indebtedness -- Board approval of identified purchases.**

(1) An officer or employee of a school district may not make a purchase or incur indebtedness on behalf of the district without the approval and order of the board.

(2) The board shall adopt one of the following approval methods, or a combination of the two:

(a) The board shall approve an appropriation for identified purchases in the district budget. Each purchase made under an identified purchase does not require additional board approval.

(b) The board shall approve individual purchases when made throughout the fiscal year.

Enacted by Chapter 2, 1988 General Session

**53A-3-406. Claims against the board -- Itemized.**

Except for salary which is regularly authorized by the board, the board may not hear or consider any claim against the board which is not itemized.

Enacted by Chapter 2, 1988 General Session

**53A-3-407. Display of American flag.**

(1) Each local school board shall provide each school within the district with a suitable flagpole.

(2) The American flag shall be displayed on every school day and on every state

and national holiday.

- (3) The flag shall be maintained in a respectable condition.

Enacted by Chapter 2, 1988 General Session

**53A-3-408. Tax exemption of school board property.**

(1) Real and personal property held by a local school board is exempt from general and special taxation and from local assessments.

- (2) This property may not be taken in any manner for debt.

Enacted by Chapter 2, 1988 General Session

**53A-3-409. Local governmental entities and school districts -- Contracts and cooperation -- Disbursement of funds -- Municipal and county representative participation in school district board meetings -- Notice required.**

(1) Local governmental entities and school districts may contract and cooperate with one another in matters affecting the health, welfare, education, and convenience of the inhabitants within their respective territorial limits.

(2) A local governmental entity may disburse public funds in aid of a school district located wholly or partially within the limits of its jurisdiction.

(3) (a) A mayor or the mayor's designee of a municipality that is partly or entirely within the boundaries of a school district and the county commission chair, county executive, or county manager, or their designee, of a county with unincorporated area within the boundaries of a school district may attend and participate in the board discussions at the school district's board meetings.

(b) Each local school board shall give notice of board meetings to:

(i) the mayor or the mayor's designee of each municipality that is partly or entirely within the school district's boundaries; and

(ii) the county commission chair, county executive, or county manager, or their designee, of a county with unincorporated area within the school district's boundaries.

(c) The notice required under Subsection (3)(b) shall be provided by:

(i) mail;

(ii) e-mail; or

(iii) other effective means agreed to by the person to whom notice is given.

Amended by Chapter 207, 2009 General Session

**53A-3-410. Criminal background checks on school personnel -- Notice -- Payment of costs -- Request for review.**

(1) As used in this section:

(a) "Administrator" means an administrator at a school district, charter school, or private school that requests the Criminal Investigations and Technical Services Division of the Department of Public Safety to conduct a criminal background check on an applicant or employee.

(b) "Applicant" means a person under consideration for:

(i) an offer of employment at a school district, charter school, or private school;

or

(ii) appointment as a volunteer for a school district, charter school, or private school who will be given significant unsupervised access to a student in connection with the volunteer's assignment.

(c) "Contract employee" means an employee of a staffing service who works at a public or private school under a contract between the staffing service and a school district, charter school, or private school.

(d) "Division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety.

(2) A school district superintendent, the superintendent's designee, or the chief administrative officer of a charter school:

(a) shall require an applicant to submit to a criminal background check as a condition for employment or appointment;

(b) shall require an employee to periodically submit to a criminal background check in accordance with rules of the State Board of Education or policies of the local school board or charter school governing board; and

(c) where reasonable cause exists, may require an existing employee or volunteer to submit to a criminal background check.

(3) The chief administrative officer of a private school may require, and the chief administrative officer of a private school that enrolls scholarship students under Chapter 1a, Part 7, Carson Smith Scholarships for Students with Special Needs Act, shall require:

(a) an applicant to submit to a criminal background check as a condition for employment or appointment; and

(b) where reasonable cause exists, an existing employee or volunteer to submit to a criminal background check.

(4) An applicant, volunteer, or employee shall receive written notice that a criminal background check has been requested.

(5) (a) (i) Fingerprints of the applicant, volunteer, or employee shall be taken, and the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103, shall release the applicant's, volunteer's, or employee's full criminal history record to the administrator requesting the information.

(ii) The division shall maintain a separate file of fingerprints submitted under Subsection (5)(a)(i) and notify the administrator when a new entry is made against an employee or volunteer whose fingerprints are held in the file regarding:

(A) any matters involving an alleged sexual offense;

(B) any matters involving an alleged drug-related offense;

(C) any matters involving an alleged alcohol-related offense; or

(D) any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person.

(iii) The cost of maintaining the separate file shall be paid by the school district, charter school, or private school from fees charged to those submitting fingerprints.

(b) Information received by the division from entities other than agencies or political subdivisions of the state may not be released to a private school unless the release is permissible under applicable laws or regulations of the entity providing the

information.

(6) The superintendent, local school board, or their counterparts at a charter school or private school shall consider only those convictions, pleas in abeyance, or arrests which are job-related for the employee, applicant, or volunteer.

(7) (a) A school district, charter school, or private school may require an applicant to pay the costs of a background check as a condition for consideration for employment or appointment, if the applicant:

(i) has passed an initial review; and

(ii) is one of a pool of no more than five candidates for a position.

(b) A school district or charter school may require an employee to pay the cost of a periodic criminal background check required pursuant to rules of the State Board of Education or policies of the local school board or charter school governing board.

(8) The Criminal Investigations and Technical Services Division shall, upon request, seek additional information from regional or national criminal data files in responding to inquiries under this section.

(9) (a) An applicant, volunteer, or employee shall have an opportunity to respond to any information received as a result of a criminal background check.

(b) A public agency shall resolve any request for review by an applicant, volunteer, or employee through administrative procedures established by the agency.

(10) (a) If a person is denied employment or is dismissed from employment because of information obtained through a criminal background check, the person shall receive written notice of the reasons for denial or dismissal and have an opportunity to respond to the reasons.

(b) A school district or charter school shall resolve any request for a review of a denial of or dismissal from employment through administrative procedures established by the school district or charter school.

(11) Information obtained under this part is confidential and may only be disclosed as provided in this section.

(12) (a) A school district, charter school, or private school that enrolls scholarship students under Chapter 1a, Part 7, Carson Smith Scholarships for Students with Special Needs Act, may contract with a staffing service to provide a contract employee if:

(i) the school district, charter school, or private school requests the Criminal Investigations and Technical Services Division of the Department of Public Safety to conduct a criminal background check on the contract employee that is placed at the school district, charter school, or private school;

(ii) fingerprints of the contract employee are submitted to the division;

(iii) the division releases the contract employee's full criminal history record to the school district, charter school, or private school requesting the criminal background check; and

(iv) the school district, charter school, or private school requesting the criminal background check determines whether the contract employee is suitable for employment based on the standard established in Subsection (6).

(b) The division shall maintain a separate file of fingerprints submitted under Subsection (12)(a) and notify the administrator when a new entry is made against a contract employee whose fingerprints are held in the file regarding a matter listed in

Subsection (5)(a)(ii).

(c) A school district, charter school, or private school may require a contract employee to pay the costs of a criminal background check, including the costs of the division to maintain the file required under Subsection (12)(b).

(d) (i) A contract employee who applies for a license issued by the State Board of Education shall submit to a criminal background check as provided in Section 53A-6-401.

(ii) A contract employee who works at a public school and does not hold a license issued by the State Board of Education shall submit to a criminal background check every six years, or within a shorter period, if required by rules of the State Board of Education or policies of a local school board or charter school governing board.

Amended by Chapter 362, 2010 General Session

**53A-3-411. Employment of school personnel -- Length of contract -- Termination for cause -- Individual contract of employment -- Employee acknowledgment of liability protection.**

(1) A local school board may enter into a written employment contract for a term not to exceed five years.

(2) Nothing in the terms of the contract shall restrict the power of a local school board to terminate the contract for cause at any time.

(3) (a) A local school board may not enter into a collective bargaining agreement that prohibits or limits individual contracts of employment.

(b) Subsection (3)(a) does not apply to an agreement that was entered into before May 5, 2003.

(4) Each local school board shall:

(a) ensure that each employment contract complies with the requirements of Section 34-32-1.1;

(b) comply with the requirements of Section 34-32-1.1 in employing any personnel, whether by employment contract or otherwise; and

(c) ensure that at the time an employee enters into an employment contract, the employee shall sign a separate document acknowledging that the employee:

(i) has received:

(A) the disclosure required under Subsection 63A-4-204(4)(d) if the school district participates in the Risk Management Fund; or

(B) written disclosure similar to the disclosure required under Section 63A-4-204 if the school district does not participate in the Risk Management Fund; and

(ii) understands the legal liability protection provided to the employee and what is not covered, as explained in the disclosure.

Amended by Chapter 285, 2005 General Session

**53A-3-412. Residence not condition of employment.**

A local school board may not require an employee to reside within its school district as a condition of employment.



Enacted by Chapter 2, 1988 General Session

**53A-3-413. Use of public school buildings and grounds as civic centers.**

(1) As used in this section, "civic center" means a public school building or ground that is established and maintained as a limited public forum to district residents for supervised recreational activities and meetings.

(2) Except as provided in Subsection (3), all public school buildings and grounds shall be civic centers.

(3) The use of school property for a civic center purpose:

(a) may not interfere with a school function or purpose; and

(b) is considered a permit for governmental immunity purposes for a governmental entity under Subsection 63G-7-301(5)(c).

Amended by Chapter 73, 2014 General Session

**53A-3-414. Local school boards' responsibility for school buildings and grounds when used as civic centers.**

(1) As used in this section, "civic center" has the same meaning as provided in Section 53A-3-413.

(2) A local school board:

(a) shall manage, direct, and control civic centers under this chapter;

(b) shall adopt policies for the use of civic centers;

(c) may charge a reasonable fee for the use of school facilities as a civic center so that the district incurs no expense for that use;

(d) may appoint a special functions officer under Section 53-13-105 to have charge of the grounds and protect school property when used for civic center purposes;

(e) shall allow the use of a civic center, for other than school purposes, unless it determines that the use interferes with a school function or purpose; and

(f) shall ensure that school administrators are trained about and properly implement the provisions of this section and Section 53A-3-413.

Amended by Chapter 199, 2008 General Session

**53A-3-415. School board policy on detaining students after school.**

(1) Each local school board shall establish a policy on detaining students after regular school hours as a part of the districtwide discipline plan required under Section 53A-11-901.

(2) The policy shall apply to elementary school students, grades kindergarten through six. The board shall receive input from teachers, school administrators, and parents and guardians of the affected students before adopting the policy.

(3) The policy shall provide for notice to the parent or guardian of a student prior to holding the student after school on a particular day. The policy shall also provide for exceptions to the notice provision if detention is necessary for the student's health or safety.

Amended by Chapter 72, 1991 General Session

**53A-3-417. Child care centers in public schools -- Requirements -- Availability -- Compliance with state and local laws.**

(1) (a) Upon receiving a request from a community group such as a community council, local PTA, or parent/student organization, a local school board may authorize the use of a part of any school building in the district to provide child care services for school aged children.

(b) (i) The school board shall provide written public notice of its intent to authorize a child care center.

(ii) The board shall file a copy of the notice with the Office of Child Care within the Department of Workforce Services and the Department of Health.

(2) (a) Establishment of a child care center in a public school building is contingent upon the local school board determining that the center will not interfere with the building's use for regular school purposes.

(b) The decision shall be made at the sole discretion of the school board.

(c) A school board may withdraw its approval to operate a child care center at any time if it determines that such use interferes with the operation or interest of the school.

(d) The school district and its employees and agents are immune from any liability that might otherwise result from a withdrawal of approval if the withdrawal was made in good faith.

(3) (a) The board shall charge a commercially reasonable fee for the use of a school building as a child care center so that the district does not incur an expense.

(b) The fee shall include but not be limited to costs for utility, building maintenance, and administrative services supplied by the school that are related to the operation of the child care center.

(4) (a) Child care service may be provided by governmental agencies other than school districts, nonprofit community service groups, or private providers.

(b) If competitive proposals to provide child care services are submitted by the entities listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit community service groups so long as their proposals are judged to be at least equal to the proposal of the governmental agency.

(c) It is intended that these programs function at the local community level with minimal state and district involvement.

(5) It is the intent of the Legislature that providers not be required to go through a complex procedure in order to obtain approval for providing the service.

(6) (a) Child care centers within a public school building shall make their services available to all children regardless of where the children reside.

(b) If space and resources are limited, first priority shall be given to those who reside within the school boundaries where the center is located, and to the children of teachers and other employees of the school where the child care center is located.

(c) Second priority shall be given to those who reside within the school district boundaries where the center is located.

(7) (a) The school board shall require proof of liability insurance which is adequate in the opinion of the school board for use of school property as a child care center.

(b) A school district participating in the state Risk Management Fund shall

require the provider of child care services to comply with the applicable provisions of Title 63A, Chapter 4, Risk Management.

(8) Child care centers established under this section shall operate in compliance with state and local laws and regulations, including zoning and licensing requirements, and applicable school rules.

(9) Except for Subsection (8), this section does not apply to child care centers established by a school district within a public school building if the center offers child care services primarily to children of employees or children of students of the school district.

Amended by Chapter 171, 2004 General Session

**53A-3-420. Activity disclosure statements.**

(1) For a school year beginning with or after the 2012-13 school year, a local school board shall require the development of activity disclosure statements for each school-sponsored group or program which involves students and faculty in grades 9 through 12 in contests, performances, events, or other activities that require them to miss normal class time or takes place outside regular school time.

(2) The activity disclosure statements shall be disseminated to the students desiring involvement in the specific activity or to the students' parents or legal guardians or to both students and their parents.

(3) An activity disclosure statement shall contain the following information:

- (a) the specific name of the team, group, or activity;
- (b) the maximum number of students involved;
- (c) whether or not tryouts are used to select students, specifying date and time requirements for tryouts, if applicable;
- (d) beginning and ending dates of the activity;
- (e) a tentative schedule of the events, performances, games, or other activities with dates, times, and places specified if available;
- (f) if applicable, designation of any nonseason events or activities, including an indication of the status, required, expected, suggested, or optional, with the dates, times, and places specified;
- (g) personal costs associated with the activity;
- (h) the name of the school employee responsible for the activity; and
- (i) any additional information considered important for the students and parents to know.

Amended by Chapter 305, 2010 General Session

**53A-3-421. Professional competence or performance -- Administrative hearing by local school board -- Action on complaint.**

(1) (a) No civil action by or on behalf of a student relating to the professional competence or performance of a licensed employee of a school district, or to the discipline of students by a licensed employee, application of in loco parentis, or a violation of ethical conduct by an employee of a school district, may be brought in a court until at least 60 days after the filing of a written complaint with the local board of

education of the district, or until findings have been issued by the local board after a hearing on the complaint, whichever is sooner.

(b) As used in Subsection (1)(a), "in loco parentis" means the power of professional school personnel to exercise the rights, duties, and responsibilities of a reasonable, responsible parent in dealing with students in school-related matters.

(c) A parent of a student has standing to file a civil action against an employee who provides services to a school attended by the student.

(2) Within 15 days of receiving a complaint under Subsection (1), a local school board may elect to refer the complaint to the State Board of Education.

(3) If a complaint is referred to the board, no civil action may be brought in a court on matters relating to the complaint until the board has provided a hearing and issued its findings or until 90 days after the filing of the complaint with the local school board, whichever is sooner.

Enacted by Chapter 108, 1999 General Session

**53A-3-422. Internet and online access policy required.**

State funds may not be provided to any local school board that provides access to the Internet or an online service unless the local school board adopts and enforces a policy to restrict access to Internet or online sites that contain obscene material.

Amended by Chapter 301, 2002 General Session

**53A-3-423. Process and content standards for policy.**

(1) "Policy" as used in this section means the elementary and secondary school online access policy adopted by a local school board to meet the requirements of Section 53A-3-422.

(2) (a) Each policy shall be developed under the direction of the local school board, adopted in an open meeting, and have an effective date. The local school board shall review the policy at least every three years, and a footnote shall be added to the policy indicating the effective date of the last review.

(b) Notice of the availability of the policy shall be posted in a conspicuous place within each school. The local school board may issue any other public notice it considers appropriate.

(3) The policy shall:

(a) state that it restricts access to Internet or online sites that contain obscene material and shall state how the local school board intends to meet the requirements of Section 53A-3-422;

(b) inform the public that administrative procedures and guidelines for the staff to follow in enforcing the policy have been adopted and are available for review at the school; and

(c) inform the public that procedures to handle complaints about the policy, its enforcement, or about observed behavior have been adopted and are available for review at the school.

Enacted by Chapter 172, 2001 General Session

**53A-3-424. Rulemaking -- Reporting.**

The State Office of Education may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding compliance standards and reporting requirements for local school boards with respect to the policy required by Section 53A-3-422.

Amended by Chapter 382, 2008 General Session

**53A-3-425. Association leave -- District policy.**

(1) As used in this section:

(a) "Association leave" means leave from a school district employee's regular school responsibilities granted for that employee to spend time for association, employee association, or union duties.

(b) "Employee association" means an association that:

(i) negotiates employee salaries, benefits, contracts, or other conditions of employment; or

(ii) performs union duties.

(2) Except as provided in Subsection (3), a local school board may not allow paid association leave for a school district employee to perform an employee association or union duty.

(3) (a) A local school board may allow paid association leave for a school district employee to perform an employee association duty if:

(i) the duty performed by the employee on paid association leave will directly benefit the school district, including representing the school district's licensed educators:

(A) on a board or committee, such as the school district's foundation, a curriculum development board, insurance committee, or catastrophic leave committee;

(B) at a school district leadership meeting; or

(C) at a workshop or meeting conducted by the school district's local school board;

(ii) the duty performed by the employee on paid association leave does not include political activity, including:

(A) advocating for or against a candidate for public office in a partisan or nonpartisan election;

(B) soliciting a contribution for a political action committee, a political issues committee, a registered political party, or a candidate, as defined in Section 20A-11-101; or

(C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Section 20A-1-102; and

(iii) the local school board ensures compliance with the requirements of Subsections (4)(a) through (g).

(b) Prior to a school district employee's participation in paid or unpaid association leave, a local school board shall adopt a written policy that governs association leave.

(c) Except as provided in Subsection (3)(d), a local school board policy that governs association leave shall require reimbursement to the school district of the costs

for an employee, including benefits, for the time that the employee is:

- (i) on unpaid association leave; or
- (ii) participating in a paid association leave activity that does not provide a direct benefit to the school district.

(d) For a school district that allowed association leave described in Subsections (3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association leave may allow up to 10 days of association leave before requiring a reimbursement described in Subsection (3)(c).

(e) A reimbursement required under Subsection (3)(c), (d), or (4)(g) may be provided by an employee, association, or union.

(4) If a local school board adopts a policy to allow paid association leave, the policy shall include procedures and controls to:

(a) ensure that the duties performed by employees on paid association leave directly benefit the school district;

(b) require the school district to document the use and approval of paid association leave;

(c) require school district supervision of employees on paid association leave;

(d) require the school district to account for the costs and expenses of paid association leave;

(e) ensure that during the hours of paid association leave a school district employee may not engage in political activity, including:

(i) advocating for or against a candidate for public office in a partisan or nonpartisan election;

(ii) soliciting a contribution for a political action committee, a political issues committee, a registered political party, or a candidate, as defined in Section 20A-11-101; and

(iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Section 20A-1-102;

(f) ensure that association leave is only paid out of school district funds when the paid association leave directly benefits the district; and

(g) require the reimbursement to the school district of the cost of paid association leave activities that do not provide a direct benefit to education within the school district.

(5) If a local school board adopts a policy to allow paid association leave, that policy shall indicate that a willful violation of this section or of a policy adopted in accordance with Subsection (3) or (4) may be used for disciplinary action under Section 53A-8a-502.

Amended by Chapter 278, 2013 General Session

**53A-3-426. Education employee associations -- Equal participation -- Prohibition on endorsement or preferential treatment -- Naming of school breaks.**

(1) As used in this section:

(a) "Education employee association" includes teacher associations, teacher unions, teacher organizations, and classified education employees' associations.

(b) "School" means a school district, a school in a school district, a charter

school, or the State Board of Education and its employees.

(2) A school shall allow education employee associations equal access to the following activities:

(a) distribution of information in or access to teachers' or employees' physical or electronic mailboxes, including email accounts that are provided by the school; and

(b) membership solicitation activities at new teacher or employee orientation training or functions.

(3) If a school permits an education employee association to engage in any of the activities described in Subsection (2), the school shall permit all other education employee associations to engage in the activity on the same terms and conditions afforded to the education employee association.

(4) It is unlawful for a school to:

(a) establish or maintain structures, procedures, or policies that favor one education employee association over another or otherwise give preferential treatment to an education employee association; or

(b) explicitly or implicitly endorse any education employee association.

(5) A school's calendars and publications may not include or refer to the name of any education employee association in relation to any day or break in the school calendar.

Enacted by Chapter 88, 2007 General Session

**53A-3-427. Honorary high school diploma for certain veterans.**

(1) A board of education of a school district may award an honorary high school diploma to a veteran, if the veteran:

(a) left high school before graduating in order to serve in the armed forces of the United States;

(b) served in the armed forces of the United States during the period of World War II, the Korean War, or the Vietnam War;

(c) (i) was honorably discharged; or

(ii) was released from active duty because of a service-related disability; and

(d) (i) resides within the school district; or

(ii) resided within the school district at the time of leaving high school to serve in the armed forces of the United States.

(2) To receive an honorary high school diploma, a veteran or immediate family member or guardian of a veteran shall submit to a local school board:

(a) a request for an honorary high school diploma; and

(b) information required by the local school board to verify the veteran's eligibility for an honorary high school diploma under Subsection (1).

(3) At the request of a veteran, a veteran's immediate family member or guardian, or a local school board, the Department of Veterans' and Military Affairs shall certify whether the veteran meets the requirements of Subsections (1)(b) and (c).

Amended by Chapter 214, 2013 General Session

**53A-3-428. Collective bargaining agreement -- Website posting.**

- (1) As used in this section, "collective bargaining agreement" includes:
  - (a) a master agreement; and
  - (b) an amendment, addendum, memorandum, or other document modifying the master agreement.
- (2) The board of education of a school district:
  - (a) shall post on the school district's website a collective bargaining agreement entered into by the board of education within 10 days of the ratification of the agreement; and
  - (b) may remove from the school district's website a collective bargaining agreement that is no longer in effect.
- (3) The governing board of a charter school:
  - (a) shall post on the charter school's website a collective bargaining agreement entered into by the governing board of the charter school within 10 days of the ratification of the agreement; and
  - (b) may remove from the charter school's website a collective bargaining agreement that is no longer in effect.

Enacted by Chapter 392, 2009 General Session

**53A-3-429. Regional service centers.**

- (1) For purposes of this section, "eligible regional service center" means a regional service center formed by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- (2) The Legislature strongly encourages school districts to collaborate and cooperate to provide educational services in a manner that will best utilize resources for the overall operation of the public education system.
- (3) An eligible regional service center formed by an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution described in Subsection (5) if the Legislature appropriates money for eligible regional service centers.
- (4)
  - (a) If local school boards enter into an interlocal agreement to confirm or formalize a regional service center in operation before July 1, 2011, the interlocal agreement may not eliminate any rights or obligations of the regional service center in effect before entering into the interlocal agreement.
  - (b) An interlocal agreement entered into to confirm or formalize an existing regional service center shall have the effect of confirming and ratifying in the regional service center, the title to any property held in the name, or for the benefit of the regional service center as of the effective date of the interlocal agreement.
- (5)
  - (a) The State Board of Education shall distribute any funding appropriated to eligible regional service centers as provided by the Legislature.
  - (b) The State Board of Education may provide funding to an eligible regional service center in addition to legislative appropriations.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules regarding eligible regional service centers including:
  - (a) the distribution of legislative appropriations to eligible regional service



centers;

(b) the designation of eligible regional service centers as agents to distribute Utah Education and Telehealth Network services; and

(c) the designation of eligible regional service centers as agents for regional coordination of public education and higher education services.

(7) A public school that is a charter school may enter into a contract with an eligible regional service center to receive education related services from the eligible regional service center.

Amended by Chapter 63, 2014 General Session

**53A-3-431. Health insurance mandates.**

A local school board and the governing body of a charter school shall include in a health plan it offers to school district employees, or charter school employees insurance mandates in accordance with Section 31A-22-605.5.

Enacted by Chapter 127, 2012 General Session

**53A-3-501. Possession or consumption of alcoholic beverages at school or school-sponsored activities -- Penalty.**

(1) Except as approved by a local school board as part of the curriculum, a person may not possess or drink an alcoholic beverage:

(a) inside or on the grounds of any building owned or operated by a part of the public education system; or

(b) in those portions of any building, park, or stadium which are being used for an activity sponsored by or through any part of the public education system.

(2) (a) Subsection (1)(a) does not apply to property owned by a school district in contemplation of future use for school purposes while the property is under lease to another party.

(b) (i) For purposes of Subsection (2)(a), a lease must be full time for a period of not less than two years.

(ii) The property may not be used for school purposes at any time during the lease period.

(3) Violation of this section is a class B misdemeanor.

Amended by Chapter 10, 1998 General Session

**53A-3-503. Criminal trespass upon school property -- Penalty.**

(1) A person is guilty of criminal trespass upon school property if the person does the following:

(a) enters or remains unlawfully upon school property, and:

(i) intends to cause annoyance or injury to a person or damage to property on the school property;

(ii) intends to commit a crime; or

(iii) is reckless as to whether the person's presence will cause fear for the safety of another; or

(b) enters or remains without authorization upon school property if notice against entry or remaining has been given by:

(i) personal communication to the person by a school official or an individual with apparent authority to act for a school official;

(ii) the posting of signs reasonably likely to come to the attention of trespassers;

(iii) fencing or other enclosure obviously designed to exclude trespassers; or

(iv) a current order of suspension or expulsion.

(2) As used in this section:

(a) "Enter" means intrusion of the entire body.

(b) "School official" means a public or private school administrator or person in charge of a school program or activity.

(c) "School property" means real property owned or occupied by a public or private school, including real property temporarily occupied for a school activity or program.

(3) Violation of this section is a class B misdemeanor.

Amended by Chapter 78, 1990 General Session

**53A-3-504. Traffic ordinances on school property -- Enforcement.**

(1) A local political subdivision in which real property is located that belongs to, or is controlled by, the State Board of Education, a local board of education, an area vocational center, or the Schools for the Deaf and the Blind may, at the request of the responsible board of education or institutional council, adopt ordinances for the control of vehicular traffic on that property.

(2) A law enforcement officer whose jurisdiction includes the property in question may enforce an ordinance adopted under Subsection (1).

Enacted by Chapter 140, 1988 General Session

**53A-3-601. Legislative findings.**

The Legislature recognizes broad-based support from the general public and the state's education community for school and school district performance reports. The Legislature further recognizes that a number of school districts are already committed to a reporting program that gives parents individual student achievement test information, that provides school test data results to the school's community, and that publishes district-wide test results for distribution to the general public.

Amended by Chapter 219, 2000 General Session

**53A-3-602.5. School performance report -- Components -- Annual filing.**

(1) For a school year beginning with or after the 2010-11 school year, the State Board of Education in collaboration with the state's school districts and charter schools shall develop a school performance report to inform the state's residents of the quality of schools and the educational achievement of students in the state's public education system.

(2) The report described in Subsection (1) shall be written and include the

following statistical data for each school in a school district and each charter school, as applicable, except as provided by Subsection (2)(g), and shall also aggregate the data at the school district and state level:

- (a) test scores over the previous year on:
  - (i) criterion-referenced or online computer adaptive tests to include the scores aggregated for all students:
    - (A) by grade level or course for the previous two years and an indication of whether there was a sufficient magnitude of gain in the scores between the two years; and
    - (B) by class;
  - (ii) online writing assessments required under Section 53A-1-603; and
  - (iii) college readiness assessments required under Section 53A-1-603;
- (b) college entrance examinations data, including the number and percentage of each graduating class taking the examinations for the previous four years;
- (c) advanced placement and concurrent enrollment data, including:
  - (i) the number of students taking advanced placement and concurrent enrollment courses;
  - (ii) the number and percent of students taking a specific advanced placement course who take advanced placement tests to receive college credit for the course;
  - (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and percent who pass the test; and
  - (iv) of those students taking a concurrent enrollment course, the number and percent of those who receive college credit for the course;
- (d) the number and percent of students in grade 3 reading at or above grade level;
- (e) the number and percent of students who were absent from school 10 days or more during the school year;
- (f) achievement gaps that reflect the differences in achievement of various student groups as defined by State Board of Education rule;
- (g) the number and percent of "student dropouts" within the school district as defined by State Board of Education rule;
- (h) course-taking patterns and trends in secondary schools;
- (i) student mobility;
- (j) staff qualifications, to include years of professional service and the number and percent of staff who have a degree or endorsement in their assigned teaching area and the number and percent of staff who have a graduate degree;
- (k) the number and percent of parents who participate in SEP, SEOP, and parent-teacher conferences;
- (l) average class size calculated in accordance with State Board of Education rule adopted under Subsection (4);
- (m) average daily attendance as defined by State Board of Education rule, including every period in secondary schools; and
- (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch.

(3) For a school year beginning with or after the 2010-11 school year, the State

Board of Education, in collaboration with the state's school districts and charter schools, shall provide for the collection and electronic reporting of the following data for a school in each school district and each charter school:

(a) test scores and trends over the previous four years on the tests referred to in Subsection (2)(a);

(b) the average grade given in each math, science, and English course in grades 9 through 12 for which criterion-referenced or online computer adaptive tests are required under Section 53A-1-603;

(c) incidents of student discipline as defined by State Board of Education rule, including suspensions, expulsions, and court referrals; and

(d) the number and percent of students receiving fee waivers and the total dollar amount of fees waived.

(4) (a) The State Board of Education shall adopt common definitions and data collection procedures for local school boards and charter schools to use in collecting and forwarding the data required under Subsections (2) and (3) to the state superintendent of public instruction.

(b) (i) In accordance with Subsections (4)(b)(ii) through (4)(b)(iv), the State Board of Education shall adopt rules specifying how average class size shall be calculated.

(ii) (A) Except as provided by Subsections (4)(b)(ii)(B) through (4)(b)(ii)(D) or for nontraditional classes identified by rule, average class size at the elementary school level shall:

(I) be calculated by grade level; and

(II) indicate the average number of students who are assigned to a teacher for instruction together during a designated time period.

(B) If students at the elementary school level receive instruction in core classes from different teachers, average class size may be calculated as provided by Subsection (4)(b)(iii) for secondary school students.

(C) An elementary school class that includes students from multiple grade levels shall be counted as a single class.

(D) An extended day class in which a portion of the class arrives early and the other portion stays late shall be counted as a single class.

(iii) (A) Except as provided by Subsection (4)(b)(iii)(B) or for nontraditional classes identified by rule, average class size at the secondary school level shall:

(I) be calculated for core language arts, mathematics, and science courses; and

(II) indicate the average number of students who are assigned to a teacher for instruction together during a designated time period.

(B) A secondary school class in which a teacher provides instruction in multiple courses shall be counted as a single class.

(iv) Special education classes and online classes shall be excluded when determining average class size by grade at the elementary school level or the average class size of core language arts, mathematics, and science courses at the secondary level.

(c) The State Board of Education, through the state superintendent of public instruction, shall adopt standard reporting forms and provide a common template for collecting and reporting the data, which shall be used by all school districts and charter

schools.

(d) The state superintendent shall use the automated decision support system referred to in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

(5) (a) For a school year beginning with or after the 2010-11 school year, the State Board of Education, through the state superintendent of public instruction, shall issue its report annually by October 1 to include the required data from the previous school year or years as indicated in Subsections (2) and (3).

(b) The State Board of Education shall publish on the State Board of Education's website U-PASS school reports for the 2009-10 school year that indicate the academic proficiency and progress of a school's students and whether the school meets state standards of performance.

(6) (a) Each local school board and each charter school shall receive a written or an electronic copy of the report from the state superintendent of public instruction containing the data for that school district or charter school in a clear summary format and have it distributed, on a one per household basis, to the residence of students enrolled in the school district or charter school before November 30th of each year.

(b) Each local school board, each charter school, and the State Board of Education shall have a complete report of the statewide data available for copying or in an electronic format at their respective offices.

Amended by Chapter 161, 2013 General Session

**53A-3-603. State board models, guidelines, and training.**

(1) The State Board of Education through the State Office of Education shall develop and provide models, guidelines, and training to school districts to enable each district to comply with Section 53A-3-602.5.

(2) The models and guidelines shall focus on systematic, simplified organizational analysis and reporting of available data.

(3) A school district is not restricted to using the models and guidelines developed by the board if it develops or finds a better approach for clearly communicating the data required under Section 53A-3-602.5.

Amended by Chapter 219, 2000 General Session

**53A-3-701. Professional learning standards.**

(1) As used in this section, "professional learning" means a comprehensive, sustained, and evidence-based approach to improving teachers' and principals' effectiveness in raising student achievement.

(2) A school district or charter school shall implement high quality professional learning that meets the following standards:

(a) professional learning occurs within learning communities committed to continuous improvement, individual and collective responsibility, and goal alignment;

(b) professional learning requires skillful leaders who develop capacity, advocate, and create support systems, for professional learning;

(c) professional learning requires prioritizing, monitoring, and coordinating

resources for educator learning;

(d) professional learning uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;

(e) professional learning integrates theories, research, and models of human learning to achieve its intended outcomes;

(f) professional learning applies research on change and sustains support for implementation of professional learning for long-term change;

(g) professional learning aligns its outcomes with:

(i) performance standards for teachers and school administrators as described in rules of the State Board of Education; and

(ii) performance standards for students as described in the core curriculum standards adopted by the State Board of Education pursuant to Section 53A-1-402.6; and

(h) professional learning:

(i) incorporates the use of technology in the design, implementation, and evaluation of high quality professional learning practices; and

(ii) includes targeted professional learning on the use of technology devices to enhance the teaching and learning environment and the integration of technology in content delivery.

(3) School districts and charter schools shall use money appropriated by the Legislature for professional learning or federal grant money awarded for professional learning to implement professional learning that meets the standards specified in Subsection (2).

(4) (a) In the fall of 2014, the State Board of Education, through the state superintendent of public instruction, and in collaboration with an independent consultant acquired through a competitive bid process, shall conduct a statewide survey of school districts and charter schools to:

(i) determine the current state of professional learning for educators as aligned with the standards specified in Subsection (2);

(ii) determine the effectiveness of current professional learning practices; and

(iii) identify resources to implement professional learning as described in Subsection (2).

(b) The State Board of Education shall select a consultant from bidders who have demonstrated successful experience in conducting a statewide analysis of professional learning.

(c) (i) Annually in the fall, beginning in 2015 through 2020, the State Board of Education, through the state superintendent of public instruction, in conjunction with school districts and charter schools, shall gather and use data to determine the impact of professional learning efforts and resources.

(ii) Data used to determine the impact of professional learning efforts and resources under Subsection (4)(c)(i) shall include:

(A) student achievement data;

(B) educator evaluation data; and

(C) survey data.

Amended by Chapter 221, 2003 General Session